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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,249	06/13/2001	Kaoru Suzuki	43701.00034	6667

7590 09/16/2005

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EXAMINER

SONG, HOSUK

ART UNIT PAPER NUMBER

2135

DATE MAILED: 09/16/2005

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

09/881,249

Examiner

Hosuk Song

Applicant(s)

SUZUKI ET AL.

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 3/8/2004 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See attachment.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or


**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

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1. The amendments are not in the proper format in the most recent amendment. All amendments must be made relative to the original patent, not the previous amendment.

Therefore, each new claim must be underlined in its entirety each time it is presented and showing all changes made to the original claims.

2. In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed. A supplemental oath/declaration is needed because of newly added claims 40-44.

  
Hosuk Song  
Primary Examiner  
Art Unit 2135

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APPLICATION NO./ CONTROL NO. <i>09/88/249</i>	FILING DATE <i>6/13/01</i>	FIRST NAMED INVENTOR / <i>Kaoru Suzuki</i> PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. <i>43701-00034</i>
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EXAMINER
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*SONG*

ART UNIT	PAPER
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*2135**14*

DATE MAILED:

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**Commissioner for Patents**

Telephone call was made to Mr. Oh on 8/24/2004 that mailing of notice of allowability is on hold because the amendments are not in the proper format in the most recent amendment. All amendments must be made relative to the original patent, not the previous amendment. Therefore, each new claim must be underlined in its entirety each time it is presented and any amend "original" claim must include appropriate bracketing and underlining showing all changes made to the original claims. Further, a supplemental oath/declaration is needed because of newly added claims 40-44. Mr. Oh agreed to submit new corrected amendment along with supplemental oath/declaration. However, no reply has been received.

*AS*  
HS